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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,387	10/24/2003	D. Travis Lay	200208954-1	1634

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EXAMINER

WILLIAMS, DON J

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/693,387

Applicant(s)

LAY ET AL.

Examiner

Don Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 11-20 is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Blackman et al (6,167,231).

As to claim 7, Blackman et al disclose a sheet-fed device (14, 22) comprising an input tray (110) configured to hold a plurality of media sheets (M), a media inverting duplexing path (52), and a media sensing circuitry (40) for receiving a media sheet (M) from the input tray (110) and configured to determine print-impairing characteristics (wetness/dryness) on the media sheet (M) and to convey the media sheet (M) to the media-inverting duplexing path (52) in response to determining one or more print-impairing characteristics (wetness/dryness) on the media sheet (M), (see column 2, lines 51-64, figure 3, column 4, lines 41-58, figure 5 - figure 10, column 6, lines 17-column 7, lines 12).

As to claim 8, Blackman et al disclose a media sensing circuitry (40) configured to detect on a side of the media sheet (M) an amount and location of the print-impairing

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characteristics (wetness/dryness) of a previous printing to determine a usable side of the one media sheet (M), (see column 2, lines 51-64, figure 3, column 4, lines 41-58, figure 5 - figure 10, column 6, lines 17-65).

As to claim 9, Blackman et al disclose the sensing circuitry (40) is further configured to direct inversion of the media sheet (M) to an opposite side to determine a usable side when detected, (see column 1, lines 25-30, column 2, lines 51-64, figure 2, column 4, lines 10-40, figure 3, column 4, lines 41-58, figure 5 - figure 10, column 6, lines 17-65).

As to claim 10, Blackman et al disclose a modular duplex handling system (22) that incorporates an input/output device and a simplex handling system (14) that incorporates an input/output device wherein both systems monitor the threshold value corresponding to the media sheet (M) to determine if the media sheet (M) should be inverted based on the signal received from the media sensing circuitry (40) which is indicative of print impairing characteristics (wetness/dryness) of the media sheet (M), (see figure 1, figure 2, column 4, lines 1-40).

### ***Allowable Subject Matter***

Claims 1-6, and 11-20 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to teach either singly or in combination a media routing control device having a usable sheet media path and an unusable sheet media path regarding claim (1); routing


the media sheet to a usable media path regarding claim (11) and the first and second presence exceeds the unusable threshold.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Don Williams whose telephone number is 571-272-8538. The examiner can normally be reached on 8:30a.m. to 5:30a.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Georgia Epps  
Supervisory Patent Examiner  
Technology Center 2800